

**CITY OF BELMONT
MEMORANDUM**



TO: Planning Commission

FROM: Carlos de Melo, Community Development Director

SUBJECT: September 16, 2014 Planning Commission Meeting – Agenda Item 5A
Mitigated Negative Declaration, Rezone to Planned Development (PD),
Conceptual Development Plan (CDP), and Vesting Tentative Map
576-600 El Camino Real; Application No.: PA2013-0054

SUMMARY

The applicant requests approval of a Mitigated Negative Declaration, Rezone to Planned Development (PD) and Conceptual Development Plan (CDP), and Vesting Tentative Map to allow construction of a mixed-use (residential/commercial) development for the subject site.

The proposal includes demolition of existing on-site structures and surface parking areas and construction of the three-story mixed-use building with 11,230 square feet (sq. ft.) of street-level commercial space and thirty-two (32) one, two and three-bedroom condominiums on the upper levels. These units would range in size from 725 sq. ft. to 1,500 sq. ft. The project would also include a residential lobby, landscaped rooftop area for residential use, and a landscaped rear yard.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the attached resolution recommending City Council **approval** of the Planned Development Rezone, associated Conceptual Development Plan (CDP), and Vesting Tentative Map for the site.¹

ZONING/GENERAL PLAN DESIGNATION

The current zoning classification for the site is C-3 Highway Commercial which provides for retail stores, medical and professional offices and automobile and vehicle sales land uses. Entitlement of the project would require a zoning classification change. Approval of the proposed planned development allows flexibility in meeting the strict interpretation of the Zoning Ordinance.

¹ Please note: This recommendation is made in advance of public testimony or Commission discussion of the project. At the public hearing, these two factors, in conjunction with the staff analysis, will be considered by the Commission in rendering a decision on the project.

As discussed above, the applicant requests the existing C-3 Highway Commercial designation be rezoned to a Planned Unit Development. Section 12.1 of the Belmont Zoning Ordinance states the purpose of Planned Unit Development (PD) “is designed to accommodate various types of development such as single-family residential developments, multiple housing developments, neighborhood and community shopping centers, mixed-use developments, professional and administrative areas, commercial services centers, and other uses or a combination of uses which can be made appropriately as part of a Planned Unit Development”. As discussed earlier, the PD zoning district allows flexibility of design in accordance with the goals, policies, and objectives of the General Plan.

Planning Commission Action - September 2, 2014

At the September 2, 2014 Planning Commission meeting, the Commission conducted a public hearing to discuss the project. Commission concerns were raised regarding the total amount of parking provided for the project, ground floor and underground garage layout in conjunction with ingress/egress, and type of commercial use (in particular – potential food service uses and corresponding parking demand). The Commission also requested a summary/comparison of the project as related to the current C-3 Highway Commercial zone and the proposed Planned Development (PD) for the project.

At the conclusion of Commission discussion on the matter, the Commission voted 7-0 to recommend City Council approval of the project Initial Study/Mitigated Negative Declaration (IS/MND). A Resolution recommending Council approval of the subject entitlements (PD Rezone, CDP, and Vesting Tentative Map) was disapproved by a 4-3 vote. Subsequently, the Commission continued the item, requesting additional information and plan revisions in response to Commission comments and concerns.

The applicant provided a letter (September 9, 2014 – See Attachments) summarizing their commitment to project modifications to address Commission concerns. The applicant also provided plan modifications to the underground garage and ground floor parking areas to address parking/layout concerns – see Attachments. The applicant letter and revised project plans are summarized in the Discussion section below. Staff also provided a C-3 Highway Commercial and Planned Development (PD) comparison table – see below.

A complete staff report was prepared for the September 2, 2014 Planning Commission Public Hearing (see Attachment V). All facts and information contained in that report remain the same with the exception of the modifications to the project description, and plan modifications discussed below. The entitlement analysis was not modified as a result of the project revisions, and is included for reference in the attached report.

DISCUSSION

Project Description

As noted in the applicant letter (See Attachment III), they have accepted (and are encouraging) a Condition of Approval that requires a Conditional Use Permit for any food service use proposed

for the ground floor commercial space. All other commercial uses (retail or office) would be permitted by right in the proposed Planned Development.

Plan Modifications

As per the submitted plans, the following modifications are proposed:

- a) The parking garage has been modified to include four additional parking spaces (increase from 58 to 62 spaces).
- b) The parking garage layout has been modified to shift 20 of the spaces outside of the secured residential parking area. These 20 spaces will now be available for both residential and commercial overflow needs. This change addresses the ideal of providing a mixed-use parking “share” for this residential/commercial development.
- c) The ground floor parking has been increased from 32 to 34 spaces. This was accomplished by reducing the commercial retail/office space by 468 sq. ft. and allocating this additional space for parking.
- d) The ground floor end parking space adjacent to the street entry has been eliminated to address safety and ingress/egress concerns. The applicants also indicate striping improvements to be addressed as part of the Detailed Development Plan (DDP) to assist with safety concerns for the parking spaces adjacent garage ramp travel-way.

Staff believes these modifications demonstrate a good faith effort by the applicant to address parking/layout/safety and commercial food service use concerns raised for the project. The proposed Conceptual Development Plan (CDP) Performance Standards (see Attachment II), reflect the project modifications.

Project Analysis

At the September 2, 2014 Planning Meeting, a request was made to provide a comparison of the proposed project in concert with the C-3 Highway Commercial Zoning Regulations and the proposed Planned Development (PD) Rezone; see Table on Page 4 for this summary/comparison.

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CDP/DDP Standards & C-3 Comparison

Criteria	Commercial (C-3)	Proposed PD Standards	Proposed Project
Lot Area	No Standard	39,411 sq. ft.	39,411 sq. ft.
Use(s)	Commercial Uses ¹	Mixed-Use (Residential & Commercial) ^{1,2}	Mixed-Use (Residential & Commercial)
Density	No Standard ¹	36 units/acre	36 units/acre
Height	40 feet	46 feet for building 50 feet for elevator override/mechanical equipment and shielding	49.5 feet ³
FAR	1.5	2.28 – includes garage level 1.57 – for commercial and residential levels	2.2 – includes garage level 1.55 – for commercial and residential levels
Gross sq. ft.	59,116 sq. ft.	Maximum 90,000 sq. ft. – includes underground garage level Maximum 62,000 sq. ft. for commercial and residential levels Maximum Ground Floor - 14,500 sq. ft. – includes bike, trash areas; maximum 11,000 commercial sq. ft. – Maximum Upper Floors (Residential) – 23,000 sq. ft. per floor; 46,000 sq. ft. total	87,490 sq. ft. – includes underground garage level 60,970 sq. ft. for commercial and residential levels
Landscaping	10% of property ³	30%	30%
Parking:			
• Residential	2/Unit ¹ – 64 spaces	62 Spaces ⁵ - maximum 27% compact spaces	62 Spaces
• Commercial	1/250 sf. ⁴ - 30 spaces	34 Spaces ⁶ - maximum 25% compact spaces	34 Spaces
• Total	94 Spaces	Minimum 96 Spaces	96 Spaces
Setbacks:			
• Front	None	As per approved CDP plans	13 feet
• Left Side ⁷	8 feet	As per approved CDP plans	8 feet
• Right Side	None	As per approved CDP plans	10 feet
• Rear ⁷	15 feet	As per approved CDP plans	15 feet

Table Footnotes:

¹ Residential and Mixed Residential & Commercial Uses are only permitted in C-3 Districts when the project site is within the Downtown Specific Plan Area (DTSP); the project site is outside of the DTSP. There are no specific residential development standards (i.e. maximum density or other standards) within the C-3 District.

^{1,2} A Variance cannot be obtained to allow for an unpermitted use. Rezoning to PD would allow for Mixed Residential & Commercial Uses. Commercial office and retail uses are proposed as permitted uses, and food service uses are proposed as conditionally permitted uses. ³ The maximum roof height of the building is proposed at 45 feet, but the maximum height from finished grade to the top point of elevator shaft is proposed at 49.5 feet.

³ Area devoted to landscape design features including plantings, sculptures, plazas, walkways, courtyards, etc.

⁴ Pursuant to Section 8.4.2 (a) of the BZO, 90% of the total commercial area is used for the calculation of parking when areas accessible to the public are unknown; Section 8.2.4 allows for a 25% reduction in parking for properties within proximity of the train station.

⁵ Proposed PD standards include use of 17 compact spaces (27%) – this would require a Variance under the C-3 Zoning as the project would not be consistent with BZO Section 8.3.1 (Uniform Parking Spaces).

⁶ The proposed PD standards include daytime use of 20 residential parking spaces for commercial overflow - this would require a Variance under the C-3 Zoning as the project would not be consistent with BZO Section 8.2.3 (*Joint Parking Facilities*).

⁷ There are no C-3 Commercial District setbacks, except as required by BZO Section 9.7.5 (*Transitional Yards*).

Rezoning to Planned Development (PD)

The single finding required for Rezoning a property (via establishing a Conceptual Development Plan for the subject Planned Development) is the determination that "...the change in the district boundaries or of the district regulations is required to achieve the objectives of the Zoning Plan and the General Plan for the City." (BZO Section 16.7)

As per Section 16.5 & 16.6 (Amendments) of the Belmont Zoning Ordinance, the following regulations are applicable regarding the required action by the Commission in evaluating Zoning Amendments:

16.5 ACTION BY THE COMMISSION - Within 30 days following the public hearing, or such longer time period as the Council may prescribe, the Commission shall make a specific finding as to whether the change in the district boundaries or of the district regulations is required to achieve the objectives of the Zoning Plan and the General Plan for the City.

16.6 REPORT TO COUNCIL - If the Commission finds that the change is required, it shall transmit a report in writing to the Council recommending that the application be granted or that the proposal be adopted. If the Commission finds that the change is not required, it shall deny the application or reject the proposal and shall transmit a written report of its action to the Council.

As the next regularly scheduled meeting of the Commission does not occur until October 7, 2014 (which occurs after the 30 day review period), it is appropriate and timely for the Commission to further discuss this project at tonight's meeting and take an action regarding the proposed Rezone to Planned Development and associated Conceptual Development Plan (CDP).

ENVIRONMENTAL CLEARANCE (CEQA)

The project is subject to environmental review under the provisions of the California Environmental Quality Act (CEQA). An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the project and determined that although the proposed project could have a significant effect on the environment, adherence to mitigation measures by the project proponent will reduce the impacts to less than significant levels. At the September 2, 2014 Planning Commission meeting, the Commission adopted a Resolution by a 7-0 vote recommending City Council certification of the Project IS/MND.

Since preparation of the Final IS/MND, the project proponent has revised the application to include 6 additional parking spaces, allow some shared parking, and reduce the square footage of the proposed street-level commercial space by 468 square feet. The reduced commercial square footage would lower the project's PM peak hour trip generation by a few vehicles and would not produce any significant change in the findings of the traffic study. The proposed changes would not result in any new environmental impacts or mitigation measures, and would not affect the analysis presented in the IS/MND. Instead, these revisions would further reduce the less-than-significant environmental impacts of the project. Therefore, the Final IS/MND as proposed for adoption would still apply.

CONCLUSION

Based on the foregoing analysis, staff recommends the Planning Commission take the following actions:

1. Adopt a Resolution recommending City Council approval of the Rezone via the Conceptual Development Plan (CDP) for the proposed subject site Planned Development (PD), and the Vesting Tentative Map.

The Commission would subsequently review a Conditional Use Permit to establish the site's Detailed Development Plan (DDP), for the project, predicated upon Council approval of Item #1 listed above.

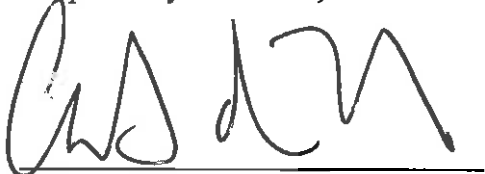
ACTION ALTERNATIVES

1. Continue the matter to another date in order to address any issues that have not been resolved.
2. Recommend City Council disapproval of the requested entitlements.

ATTACHMENTS

- I. Resolution recommending City Council approval of the Conceptual Development Plan (CDP) of the subject site Planned Development (PD) and Vesting Tentative Map
- II. Performance Standards – Conceptual Development Plan
- III. Applicant Letter – September 9, 2014
- IV. Revised Project Plans – Garage and Ground Floor Level
- V. September 2, 2014 Planning Commission Staff Report
- VI. Geotechnical Studies - Geoforensics – June 27, 2013; Cotton & Shires Associates Peer Review – October 29, 2013 – these studies are included in the Initial Study/Mitigated Negative Declaration (IS/MND)
- VII. Applicant Arborist Report and City Arborist Peer Review Report - 2014
- VIII. August 2014 Initial Study/Mitigated Negative Declaration (IS/MND), Mitigation Monitoring and Reporting Program (MMRP), IS/MND Comment Letter & Response to Comments Memo – Commission Only – This attachment is accessed via the **Major Projects** link on the City of Belmont Website – www.belmont.gov
- IX. Project Plans – This attachment is accessed via the **Major Projects** link on the City of Belmont Website – www.belmont.gov (Commission Only)

Respectfully submitted,



Carlos de Melo
Community Development Director

CC: Applicant/Property Owner

RESOLUTION NO. 2014-_____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BELMONT
RECOMMENDING CITY COUNCIL ADOPTION OF A REZONE FOR A CONCEPTUAL
DEVELOPMENT PLAN (CDP) FOR THE PLANNED DEVELOPMENT (PD), AND
VESTING TENTATIVE MAP FOR THE 576-600 EL CAMINO REAL MIXED-USE
DEVELOPMENT (APPL. NO. 2013-0054)

WHEREAS, Belmino, LLC, applicant, on behalf of the property owner, CHS Development Group, requests a Rezone and Conceptual Development Plan (CDP) for a Planned Development (PD), and Vesting Tentative Map approval for the 576-600 El Camino Real Mixed-Use Development; and,

WHEREAS, on September 2, 2014 and September 16, 2014, the Planning Commission, following notification in the prescribed manner, conducted public meetings, at which meetings the Commission considered public testimony and staff reports on the aforementioned requested entitlements; and,

WHEREAS, the Planning Commission of the City of Belmont finds the project is subject to environmental review under provisions of the California Environmental Quality Act (CEQA). An environmental impact assessment was prepared for the project and determined that the project would have a less than significant impact; and,

WHEREAS, the Planning Commission hereby relies upon the staff reports dated September 2, 2014, and September 16, 2014 and the facts contained therein, as they pertain to the project, as its own findings of facts; and,

WHEREAS, the Planning Commission, after consideration of all testimony and reports, thereby determines that the proposed Rezoning and associated Conceptual Development Plan (CDP) for the subject property Planned Development (PD) for the proposed 576-600 El Camino Real Project achieves the objectives of the Zoning Plan and General Plan for the City for the following reasons:

Residential Areas

Policy 2007

- 2. A variety of types and densities of residential uses should be provided to meet the needs of the different lifestyles and incomes of the people who live in the community.*

Land Use-Open Space Element Description – Residential Areas

2010 - In addition to these residential areas, residential land use is also permitted, under special permit procedures and specific performance standards, in commercial districts as described in other portions of this plan. For all categories, the actual permitted number of housing units may vary by area depending upon existing land use, natural site characteristics, access to major streets and availability of services and utilities.

2024 - Existing high-density residential development occurs in the Carlmont, Central, Sterling Downs and Homeview Neighborhoods. Additional high-density housing may be provided as minor extensions of existing high-density residential developments or in commercial areas as permitted by this plan.

Commercial Areas

2025 Goals

- 1. To provide space for commercial activities in locations with good vehicular, bicycle and pedestrian access available public services, adequate parking and compatible adjacent uses.*
- 2. To promote commercial development, which meets the needs of local residents for convenience goods and services and which is fiscally beneficial to the city.*
- 3. To improve the attractiveness and functioning of existing commercial areas through such means as landscaping and design controls, and provision of adequate parking, sidewalks, bike paths and bike racks.*
- 4. To provide opportunities for commercial employment in attractive, landscaped environments.*

2026 Policies

- 1. Commercial and office uses should be located on or near major thoroughfares to discourage traffic in residential neighborhoods and should include sufficient off-street parking to prevent disruption of traffic flow on major streets.*
- 6. Highway commercial uses shall be permitted outside of the Central Business District only at already established locations along El Camino Real, Ralston Avenue east of El Camino Real, Old County Road and the U.S. 101/Ralston interchange. To avoid additional strip commercial development, businesses should be grouped, to the extent possible, and separated by landscaped open space/parking areas, offices or multiple family housing.*

Land Use-Open Space Element Description – Highway Commercial Areas

Highway commercial uses are businesses depending on automobile traffic for customers such as service stations, motels, restaurants, auto parts and supply establishments, offices with a drop-in clientele, and a variety of retail businesses. Highway commercial uses are presently located along El Camino Real, along portions of Ralston Avenue east of El Camino, along Old County Road and at the U.S. 101/Ralston interchange. The plan limits highway commercial to these areas where the use is already established with the possible exception of a portion of the Mixed Use area near the Ralston/U.S. 101 interchange. Landscaped open space and parking areas and non-commercial uses are encouraged between the highway commercial uses whenever possible to break up the commercial "strip" appearance. The appearance of the El Camino "strip" can be greatly improved by landscaping along the Southern Pacific tracks on the east side and, where possible, of the commercial sites on the east and west side.

The project will provide additional residential units, which is necessary to provide residential uses for the area and increase the housing stock for the City. The proposed residential development will provide greater opportunities to meet the different lifestyles and incomes of people living within the development and community.

The proposed residential development would be generally compatible with the character of the surrounding neighborhood. In particular, the proposed residential development will be consistent in relation to traffic generation, parking, and noise associated with existing residential uses in the area. The site location is close to established single and multi-family neighborhoods as well as both public transportation and commercial services.

In summary, the proposed mixed-use development will meet the goals and objectives of the General Plan by rezoning the underlying C-3 Highway Commercial designation to Planned Development. This will allow the site to be compatible with neighboring mixed residential uses and commercial uses fronting El Camino Real.

Based on the above analysis, the Planning Commission believes the specific finding can be made that the proposed Rezone of the subject site (via a Conceptual Development Plan) for the Planned Development (PD) achieves the goals and objectives of the Zoning Ordinance and General Plan for the City.

WHEREAS, the Planning Commission, after consideration of all testimony and reports, thereby determines that Belmont Zoning Ordinance Section 12.3.B (1-5) - Conceptual Development Plan (CDP) Findings - to establish the CDP for the Planned Development (PD) for the subject property and allow the 576-600 El Camino Real Project are made in the affirmative for the following reasons:

- 1. That the total development in each individual unit therein can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained; that the uses proposed will not be detrimental to the present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts.*

The proposed development can remain an independent project because it is a self-contained residential and commercial complex. It will not disturb neighboring uses since the project will be conditioned through performance standards and adherence to mitigation measures required in the Mitigated Negative Declaration. The proposed development will provide needed housing, maintain a commercial presence along El Camino Real, and be compatible with existing residential and commercial uses within the area.

The Initial Study/Mitigated Negative Declaration for the project and the conditions of project approval recommended by the various City departments demonstrate that the project is capable of sustainability. Infrastructure is in place to serve the site. The mixed-use building would be constructed as a "whole" as there are no separate individual buildings proposed. The proposed development of the site would remain commercial-serving which is consistent with the previous use of the site and the planning and zoning designations for the site.

Therefore, the total development can exist as an independent unit capable of creating an environment of sustained desirability, and that the uses proposed will not be detrimental to the present and potential surrounding uses, but will have a beneficial effect which could not be achieved under other zoning districts. This finding is affirmed.

- 2. That the streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic and the density will not generate traffic in such amounts as to overload the street network outside the PD District.*

The subject property is adjacent to El Camino Real and in close proximity to Ralston Avenue and Highway 101. A complete traffic study was conducted as part of the environmental assessment (August 2014) that concluded that the mixed-use development will not result in any significant traffic impacts, or contribute to significant cumulative traffic impacts in the area. This finding is affirmed.

- 3. That any proposed commercial development can be justified economically at the locations proposed, to provide for adequate commercial facilities of the types proposed.*

Ground-floor commercial development adjacent to El Camino Real and supporting residential tenants above is appropriate for the location and consistent with adjacent street-level commercial development within this major transit corridor and the downtown area. This finding is affirmed.

- 4. That the economic impact created by the PD District can be absorbed by the City (police and fire service, water supply, sewage disposal, etc.).*

The proposed mixed-use development will not significantly increase the City's costs in providing services to the project site, and the City will be able to absorb the economic impact created by the project. Redevelopment of the site would improve conditions with respect to police and fire as the site would be brought up to current Uniform Building and Fire Codes which also address safety. Lighting would be updated for the site, and water, sewer and garbage collection. Services are currently provided for the property. The project has been reviewed by all appropriate departments to ensure that all service levels can be maintained to protect the public health, safety and welfare. This finding is affirmed.

- 5. That the proposed off-street parking is in substantial conformance with the provisions of Section 8 of this Ordinance, that where an applicant's proposed off-street parking is less than that set forth by the standards of Section 8 of this Ordinance, circumstances are such that it would be a practical difficulty or create a physical hardship on the applicant for him to conform to the standards of Section 8.*

The proposed mixed-use development will provide 96 on-site spaces to serve the needs of both residents and guests of the units and commercial use patrons. The number of spaces provided appears to be adequate for the mixed-use development. The traffic study for the project also confirms that the parking provided for the proposed mixed-use development will be sufficient for demand. This finding is affirmed.

Vesting Tentative Map

In order to recommend approval of the proposed Vesting Tentative Map, the Planning Commission must make the following findings:

- a. *The proposed map is consistent with the applicable general and specific plans.*

The project is in compliance with the Highway Commercial General Plan designation, and the proposed Conceptual Development Plan for the site. The proposed project consisting of 32 residential units and 11,200 sq. ft. of commercial space is consistent with the recommended rezoning for the site to Planned Unit Development. This finding is affirmed.

- b. *The proposed design or improvement of the subdivision is consistent with the applicable general and specific plans.*

The Vesting Tentative Map will allow for the construction of 32 residential condominiums and commercial space. The subdivision is consistent with the Commercial Highway General Plan designation for the site, and has been designed to meet all development standards of the proposed Conceptual Development Plan (CDP) for the Planned Development zone. The project would minimize grading and hardscape to the most reasonable extent possible, and is designed to not significantly impact existing views. This finding is affirmed.

- c. *The site is physically suitable for the type of development.*

The 39,411 sq. ft. project site fronts upon a fully improved roadway with access to all required utilities, and is within walking distance of shops and businesses. The site contains moderate to steep slopes within the rear portion of the property. Total grading required to construct the proposed mixed-use building and other associated improvements is not excessive in consideration of the site conditions. The project site has received conditional geotechnical clearance, and contains no environmental constraints with the exception of the sixteen trees that would be removed, to make it suitable for residential (and commercial) development. This finding is affirmed.

- d. *The site is physically suitable for the proposed density of the development.*

The size and topography of the site is adequate to allow construction of the 32 new residential units, 11,200 sq. ft. street-level commercial use, parking areas and amenities for the project. The subdivision is consistent with the City's Commercial Highway General Plan Designation, and the proposed Planned Development zoning (and associated residential density) for the project. In addition, all supporting plans and reports (geotechnical investigation, traffic, air quality, preliminary grading and drainage plan, etc.) indicate that proposed residential units would be suitable for the site. This finding is affirmed.

- e. *The design of the subdivision or the proposed improvement is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The subdivision is required to comply with all mitigations outlined in the Mitigated Negative Declaration. The applicant's geotechnical report, Phase I ESA, traffic impact analysis and biological assessment evaluated potential adverse impacts to wildlife and their habitat and identified no substantial adverse impacts as part of the environmental assessment for the project. This finding is affirmed.

- f. *The design of the subdivision or the type of improvements is not likely to cause serious public health problems.*

All public utilities can adequately serve the proposed project; the project will comply with all recommended mitigations in the Mitigated Negative Declaration, conditions of project approval, and the Uniform Building and Fire Codes. This finding is affirmed.

- g. *The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the City Council may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to one previously acquired by the public.*

The proposed project is self-contained in one building, which faces El Camino Real, to be maintained by the property owners through the enforcement of Codes, Covenants, and Restrictions (CC&R's) for the 576-600 El Camino Homeowners Association. The Public Works, Building and Fire Departments have reviewed and approved the subdivision, circulation, access and improvements by conditions of approval for this project. This finding is affirmed.

WHEREAS, the Planning Commission did hear and use their independent judgment and considered all said reports, recommendations and testimony herein above set forth.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission recommends the City Council approve the Rezone and associated Conceptual Development Plan (CDP) for the subject Planned Development (PD), and the Vesting Tentative Map for the 576-600 El Camino Real Project, subject to the Performance Standards attached as Exhibit "A".

* * * * *

Passed and adopted at a regular meeting of the Planning Commission of the City of Belmont held on September 16, 2014 by the following vote:

Ayes, Commissioners	_____
Noes, Commissioners	_____
Absent, Commissioners	_____
Abstain, Commissioners	_____
Recuse, Commissioners	_____

Carlos de Melo
Planning Commission Secretary

EXHIBIT "A"

**PERFORMANCE STANDARDS - CONCEPTUAL DEVELOPMENT PLAN (CDP) FOR
 PLANNED DEVELOPMENT (PD) AND VESTING TENTATIVE MAP
 576-600 EL CAMINO REAL
 (APPL. NO.PA2013-0054)**

I. COMPLY WITH THE FOLLOWING CONDITIONS OF THE COMMUNITY DEVELOPMENT DEPARTMENT:

- A. The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e., foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions:

Planning Division

1. The Detailed Development Plan shall be consistent with the following design standards, which are derived from the plans on file and date stamped August 25, 2014 and as amended on September 16, 2014.

Criteria	CDP Standards	Proposed Project
Lot Area	39,411 sq. ft.	39,411 sq. ft.
Use(s)	Mixed-Use (Residential & Commercial)	Mixed-Use (Residential & Commercial)
Density	36 units/acre	36 units/acre
Height	46 feet for building 50 feet for elevator override/mechanical equipment and shielding	49.5 feet
FAR	2.28 – includes garage level 1.57 – for commercial and residential levels	2.2 – includes garage level 1.55 – for commercial and residential levels
Gross sq. ft.	Maximum 90,000 sq. ft. – includes underground garage level Maximum 62,000 sq. ft. for commercial and residential levels Maximum Ground Floor - 14,500 sq. ft. – includes bike, trash areas; maximum 11,000 commercial sq. ft. – Maximum Upper Floors (Residential) – 23,000 sq. ft. per floor; 46,000 sq. ft. total	87,490 sq. ft. – includes underground garage level 60,970 sq. ft. for commercial and residential levels

Landscaping	30%	30%
• Residential	62 Spaces - maximum 27% compact spaces	62 Spaces
• Commercial	34 Spaces - maximum 25% compact spaces	34 Spaces
• Total	Minimum 96 Spaces	96 Spaces
Setbacks		
• Front	As per approved CDP plans	13 feet
• Left Side	As per approved CDP plans	8 feet
• Right Side	As per approved CDP plans	10 feet
• Rear	As per approved CDP plans	15 feet

- A. **Building Materials:** The project shall include use of true materials, such as stucco, stone, wood, metal, and/or glass.
 - B. **Commercial Use:** A Conditional Use Permit shall be required for any food service use proposed for the ground floor commercial space. All other commercial uses (retail or office) would be permitted by right in the proposed Planned Development.
2. Prior to issuance of building permits, the property owner shall file with the Director of Community Development, on forms provided by the City, an acknowledgment that he/she has read, understands and agrees to these conditions of approval.
 3. In the event that this approval is challenged by a third party, the property owner and all assignees will be responsible for defending against this challenge, and agrees to accept responsibility for defense at the request of the City. The property owner and all assignees agree to defend, indemnify and hold harmless the City of Belmont and all officials, staff, consultants and agents from any costs, claims or liabilities arising from the approval, including without limitation, any award of attorney's fees that might result from the third party challenge.
 4. The subject properties are identified as a housing development opportunity site in the Belmont General Plan Housing Element 2007-2014, and as such are subject to appropriate affordable housing mitigation measures. Prior to Building Permit issuance, the property owner/developer shall enter into an Affordable Housing Agreement with the City of Belmont. The Affordable Housing Agreement shall ensure that development of the property complies with CA Health and Safety Code Section 33413, and with the adopted Belmont Housing Element.
 5. The applicant/developer agrees to pay all fees including plan check, building permit, General Plan Maintenance, Business License, and Tree Removal as specified by each respective City Ordinance and/or the City's Master Fee Schedule.

PERFORMANCE STANDARDS

CDP-PD and Vesting Tentative Map

Mixed-Use Development – 576-600 El Camino Real – PA 2013-0054

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6. All construction and related activities which require a City building permit shall be allowed only during the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, and 10:00 a.m. to 5:00 p.m. on Saturdays. No construction activity or related activities shall be allowed outside of the aforementioned hours or on Sundays and the following holidays: New Year's Day, President's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day and Christmas Day. All gasoline powered construction equipment shall be equipped with an operating muffler or baffling system as originally provided by the manufacturer, and no modification to these systems is permitted.
7. Exterior building lighting shall not spill off the property or cause significant glare for adjacent properties. All external project lighting shall be downcast or upcast, shielded lighting designed to illuminate entry-ways only, with no direct visibility of the light source from the street.
8. Prior to issuance of building permits for the project, the applicant shall submit a full set of plans (as submitted for Planning Commission review) for peer review by the City Geologist who shall make findings as to concurrence with the Geoforensics Geotechnical Investigation dated June 27, 2013, and the October 29, 2013 recommendations of the City Geologist (Cotton Shires & Associates) and as to additional conditions of project approval that may be imposed by the City Geologist to include, but not limited to, plan review by a Geotechnical consultant during the building permitting process and field inspection by the Geotechnical consultant during construction as prescribed in the report.
9. During construction activities which require frequent vehicle movements onto and off of the site, such as grading and site work, the applicant shall be required to provide flag persons on each side of the site on El Camino Real to direct traffic to ensure that these vehicle movements can be completed safely.
10. The applicant shall provide a written plan for construction staging and storage areas. This information shall be submitted in conjunction with application for a building permit for City review and approval.
11. All retaining walls in the front and side yards that are visible from the public right-of-way shall comply with Section 9-47 of the Belmont Municipal Code.
12. The applicant shall be required to notify all property owners/residents/commercial tenants within a 300-foot radius of the subject, and all property owners and tenants adjacent to the project site, prior to any/all grading operations fourteen days prior to grading – such notification shall include the following:
 - a. A statement of the published haul route for the cut/fill work.
 - b. A description of the staging area(s) for all equipment involved with the project cut/fill work.

- c. The dates or a timeframe in which the cut/fill work for the project is expected to take place.
 - d. Contact Information for the project construction manager, dust/noise control coordinator.
13. The approval or conditional approval of a Vesting Tentative Map shall be valid for a period of twenty-four (24) months from the date of approval by the City Council. Such approval or conditional approval may be extended for a period not to exceed two (2) additional years by the City Council upon written request, providing such request is made prior to the expiration of the approval or conditional approval period.
14. Any failure to record a Final Map within two (2) years from the approval or conditional approval of the Vesting Tentative Map, or any extension thereof granted, shall terminate all proceedings.
15. A Final Map shall be prepared in conformance with the approved Vesting Tentative Map and presented to the City Clerk after a certificate has been executed by the City Engineer, and the registered civil engineer or licensed land surveyor who prepared the map, certifying compliance with all conditions of approval.
16. The Final Map shall meet all requirements of a Vesting Tentative Map, as set out in the California Subdivision Map Act and the City of Belmont Subdivision Ordinance, and when improvements or dedications are required, shall be accompanied by a guaranty of title, any separate instruments of dedication or deeds and improvement agreement, all as set out in Section 10.5.
17. Prior to recordation of the Final Map, C.C. & R.'s which would apply to the project shall be submitted for review and approval of the Community Development Director, in consultation with the Director of Public Works, and the City Attorney. As a minimum, the C.C.&R.'s shall provide the following:
 - a. Statement and ownership and application of C.C. &R.'s to owners and occupants. This section shall specifically and irrevocably subject owners and occupants to the provisions of the C.C. &R.'s.
 - b. Section describing voting rights, vote distribution, majority, quorum and proxies. This section shall provide that the subdivider shall have all of the rights and responsibilities of an owner prior to sale of each unit.
 - c. Section describing the administration and responsibilities of the association. Association responsibilities shall include administration of the project, preparing and approving an annual budget, establishing and collecting monthly assessments, maintaining the project, the levying penalties for non-compliance with the C.C. &R.'s.

PERFORMANCE STANDARDS

CDP-PD and Vesting Tentative Map

Mixed-Use Development – 576-600 El Camino Real – PA 2013-0054

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- d. Section describing the composition, powers and duties and method of electing a Board of Directors and Association Officers.
 - e. Section describing the obligations of owners. This section shall include provisions for: monthly assessments, maintenance and repair of individual units, use of units, internal structural alterations, use of common areas and facilities, rights-of-entry for repair and emergency, rules of conduct.
 - f. Section prohibiting the dissolution of the association with dissolution of the condominiums. This section shall also prohibit sale or development of the land owned in common without prior approval of the City.
 - g. Section providing that the homeowners association may be permitted to terminate a management agent selected by the developer upon three months' notice.
18. Prior to recordation of the Final Map, the subdivider and subsequently the Homeowners Association shall enter into a continuing maintenance agreement with the City of Belmont, which provides for the satisfactory maintenance of the subject project.
 19. Prior to the recordation of the Final Map, the subdivider shall submit one set of reproducible Mylar drawings and specifications of all "as built" improvements, all engineering calculations, soils reports and other information required by the City Engineer and Building Official. The Homeowners Association shall also be provided with one Mylar set of the above items at the time of conversion. The City shall retain the information for the life of the structure.
 20. The applicant/property owner/developer shall be required to fulfill all Mitigations of the Initial Study/Environmental Assessment for the Project.
 21. The applicant shall contribute a Park-In-Lieu Fee as per Section 6.10 of the Belmont Subdivision Ordinance to fund improvement of existing or future park facilities within the City in the amount of \$915,200 (\$28,600 per unit). Said payment shall be made prior to recordation of the Final Map.
 22. The applicant shall pay tree removal and in-lieu replanting fees, as identified in the report prepared by the City Arborist, and in conjunction with the Planning Commission review and approval of the Tree Removal Permit for the project.
 23. The following geotechnical conditions of approval are required:
 - a. Geotechnical Plan Review. The Project Geotechnical Consultant shall review and approve all geotechnical aspects of the project building and grading plans (i.e., site preparation and grading, site drainage improvements and design parameters for foundations, retaining walls and driveway) to ensure that their recommendations have

- been properly incorporated. The consultant should review and approve all geotechnical design aspects of shoring designs needed for deep project excavations.
- b. The results of the plan reviews shall be summarized by the Project Geotechnical Consultant in a letter and submitted to the City for review and approval by the City Engineer prior to acceptance of documents for building permit plan-check.
 - c. Geotechnical Field Inspection. The Project Geotechnical Consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspection shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and retaining walls prior to the placement of steel concrete.
 - d. The results of these inspections and the as-built conditions of the project shall be described by the Project Geotechnical Consultant in a letter and submitted to the City for review and approval prior to final (granting of occupancy) project approval.
24. The project shall comply with the City of Belmont Noise Ordinance. In addition, the following is required in order to minimize the potential annoyance from construction noise at nearby noise-sensitive receptors:
- a. Neighbors (residents/tenants) located adjacent to the project site shall be notified in writing of the construction schedule.
 - b. Power construction equipment shall be turned off when not in use.
 - c. All stationary noise-generating construction equipment, such as air compressors, shall be located as far as practical from existing nearby properties.
 - d. A construction disturbance coordinator shall be designated for the site. A coordinator approved by the City shall be hired by the project sponsor and perform on an on-call basis paid for by the project sponsor. The coordinator shall be responsible for receiving and acting on complaints about construction noise when activities are occurring. The coordinator shall determine the cause and implement remedial measures as necessary to alleviate significant noise problems. The telephone number of the coordinator shall be clearly posted on a sign at each construction site entrance.

EXHIBIT "A"

PERFORMANCE STANDARDS - CONCEPTUAL DEVELOPMENT PLAN (CDP) FOR
PLANNED DEVELOPMENT (PD) AND VESTING TENTATIVE MAP
576-600 EL CAMINO REAL
(APPL. NO.PA2013-0054)

I. COMPLY WITH THE FOLLOWING CONDITIONS OF THE COMMUNITY DEVELOPMENT DEPARTMENT:

- A. The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e., foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions:

Building Division

1. Plans submitted for building permit and all construction shall conform to the approved plans on file in the Planning Division for Appl. No. 2013-0054.
2. The applicant shall obtain all required permits.
3. This project is subject to the School Facilities Fee. Proof of payment must be presented to the City of Belmont before the permit will be issued. Contact the Sequoia Union School District directly for further information.
4. Pursuant to the Belmont Department Ordinance #2011-1, Section 1003.2.9.2(A), the building shall include a fire sprinkler system and the plan will be a deferred submittal.
5. Retaining walls shall be designed by a civil engineer.
6. The City of Belmont Municipal Code requires a soils and engineering geology report for all new or substantially altered foundations. Provide such a report and a letter from the geotechnical engineer confirming that the foundation plan has been reviewed and that it has been determined that the recommendations in the soils report are properly incorporated into the plans. BMC 7-12, IBC 106.1 & 1804.3.
7. The applicant shall provide a record of survey.
8. The building permit plans shall show the location of all transformers, fire standpipes, and back-flow preventers.
9. The applicant shall post hours of operation and phone numbers for noise complaints.
10. The applicant shall provide space for recycling containers.
11. The applicant shall provide list of construction and demolition recycling service providers.

12. Contractors and subcontractors shall make a good faith effort to contact construction and demolition recycling providers.
13. The applicant shall notify all contractors and subcontractors of Belmont expectations of maximizing diversion of solid waste.
14. The applicant shall investigate opportunities for salvaging material for reuse.
15. Building plans shall specify that the 2009 IBC, 2009 UPC, 2009 UMC and 2008 NEC as amended by the State of California and all applicable City of Belmont ordinances will be employed during this project.

EXHIBIT "A"

PERFORMANCE STANDARDS - CONCEPTUAL DEVELOPMENT PLAN (CDP) FOR
PLANNED DEVELOPMENT (PD) AND VESTING TENTATIVE MAP
576-600 EL CAMINO REAL
(APPL. NO.PA2013-0054)

II. COMPLY WITH THE FOLLOWING CONDITIONS OF THE BELMONT FIRE DEPARTMENT:

1. Plans shall identify fire-rated exterior walls and protected openings.
2. An automatic fire extinguishing system is required. The building plans shall denote the locations of the following devices: Double Detector Check Valve; Post Indicator Valve; Fired Department Connection; Fire Sprinkler Riser located on the exterior of the building; and Fire Alarm Bell.
3. Fire Department Access is required to within 100 feet of all parts of the building perimeter. Access Roads shall be a minimum of 20 feet in clear unobstructed width, 13 feet 6 inches clear unobstructed height, and an all-weather road capable of supporting 80,000 pound 6 wheeled vehicle. Fire Department Access Roadways shall be identified on the plans.
4. Plans must show the location of the nearest Fire Hydrant on the site plan. There shall be one located within 180 feet of the subject property, and shall flow a minimum of 4250 gpm at 20 psi. If there is not one present, you will be required to provide one. Additional hydrants may be required based on site plan submittal. The minimum water flow from each hydrant shall be 1,500 gpm at 20 psi. A cumulative total of 4250 gpm shall be accomplished and maintained for a period of not less than 4 hours.
5. The building shall require a Knox key-lock box. The applicant shall contact the fire department at 650-637-2939 to determine the approved location and delineate the location of the lock box on the building permit plans.
6. A separate application and permit are required for the installation or alteration of any Automatic Fire Extinguishing System. An application shall be made by either a Registered Engineer or by the Licensed Fire Sprinkler Contractor who will be performing the work. This shall include any Fixed Fire Protection System. A valid Permit and Approved Plans shall be at the jobsite at all times.
7. Prior to application for a Fire Sprinkler Permit, the applicant shall submit plans to Mid-Peninsula Water District for their review and approval (MPWD at 650-591-8941).
8. A separate application and permit are required for the installation or alteration of any Fire Alarm, or Water-flow Monitoring System. This shall include the interconnection of any Fixed Fire Protection System to an Alarm System where provided. A valid Permit and Approved Plans shall be at the jobsite at all times.

9. A separate application and permit are required for the installation of any underground fire service lines. Application shall be made by a Registered Engineer or by either a General Engineering Contractor or a Licensed Fire Sprinkler Contractor, who will be performing the work.
10. Every building, or structure, shall be provided with an address. Numerals shall be located where clearly visible from the street or roadway upon which it fronts. Residential Structures shall have numerals a minimum of 4 inches in height and of ½ stroke. Commercial Structures shall have numerals a minimum of 6 inches in height and ¾ inch stroke. Numerals shall be of contrasting color to their background and illuminated at night. Numerals shall be white in color where located upon glazing.
11. All Fire Inspections are performed on Wednesdays between 9AM-2PM, unless special arrangements are made with the Fire Inspector. The applicant shall call 650-637-2939 a minimum of 48 hours in advance to place an inspection request. The applicant will receive a confirmation call within 24 hours of the request.
12. On plans submitted for a Building Permit, show location of all required Smoke Alarms and Carbon Monoxide Alarms in accordance with CRC Sections 314 & 315.
13. On Plans submitted for a Building Permit, identify the size of bedroom windows, demonstrating that they meet egress requirements of CRC 310.
14. In accordance with the Municipal/Regional Stormwater Permit no fire sprinkler system drain shall discharge into any Storm Drain System. The system shall discharge to either a landscape area large enough to contain the outflow, or to the Sanitary Sewer by means of an indirect connection. The applicant shall show the location of the Fire Sprinkler System drain on plans submitted for a building permit.

III. COMPLY WITH THE FOLLOWING CONDITIONS OF THE BELMONT POLICE DEPARTMENT:

1. All activities shall be subject to the requirements of the Belmont Noise Ordinance.
2. No debris boxes or building materials shall be stored on the street.
3. Flag persons shall be positioned at both ends of blocked traffic lanes.
4. 24-hour written notice to the Police Department is required before any lane closure.

EXHIBIT "A"

PERFORMANCE STANDARDS - CONCEPTUAL DEVELOPMENT PLAN (CDP) FOR
PLANNED DEVELOPMENT (PD) AND VESTING TENTATIVE MAP
576-600 EL CAMINO REAL
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IV. COMPLY WITH THE FOLLOWING CONDITIONS OF THE PUBLIC WORKS DEPARTMENT:

- A. The following conditions shall be shown on plans submitted for a building permit and/or site development permit or otherwise met prior to issuance of the first building permit (i.e., foundation permit) and shall be completed and/or installed prior to occupancy and remain in place at all times that the use occupies the premises except as otherwise specified in the conditions.

Public Improvements

- A Street widening, improvements, and dedications shall be in accordance with City Standards and specifications as required by the Department of Public Works.
- A New curb and gutter shall be installed in accordance with the Department of Public Works approved standards.
- A New sidewalk, curb and gutter shall be installed in accordance with the Department of Public Works approved standards.
- A The unused driveway shall be removed and replaced with sidewalk, curb and gutter in accordance with Department of Public Works approved standards.
- A A commercial driveway approach shall be installed in accordance with Department of Public Works approved standards.

Grading and Drainage

- A Roof leaders and site drainage shall be directed to a vegetated area onsite or the City stormwater drainage system. A dissipator box or other energy reduction method shall be used.
- A The owner/applicant shall submit C3 & C6 stormwater pollution prevention checklist, impervious calculation checklist and BMP measures checklist prior to design review approval.

Utilities

- A The owner/applicant shall submit a sanitary sewage plan. Flows from the proposed development shall be estimated and their impact on the existing City collection system analyzed. Mitigation measures may be required to upgrade the City system.

Subdivisions

- A Submit subdivision plans in conformance with the Subdivision Map Act and City Subdivision Ordinance No. 530. Final plans shall be drafted in AutoCad and submitted on CD-ROM.
- A The owner/applicant shall pay planned drainage fees in accordance with City ordinances.

NPDES Stormwater Controls (General)

- A New buildings such as food service facilities and/or multi-family residential complexes or subdivisions shall provide a roofed and enclosed area for dumpsters and recycling containers. The area shall be designed to prevent water run-on to the area and runoff from the area and to contain litter and trash, so that it is not dispersed by the wind or runoff during wasteremoval.

MRP Regulated Project:

- A Project shall comply with all requirements of the Municipal Regional Stormwater NPDES Permit Provision C.3. Please refer to the San Mateo Countywide Water Pollution Prevention Program's (SMCWPPP) C3 Stormwater Technical Guidance Manual for assistance in implementing LID measures at the site. *[Optional: [http://www.flowstobay.org/bs new development.php1](http://www.flowstobay.org/bs_new_development.php1)].*
- A *[Redevelopment Projects that result in an alteration of 50% or more of the existing impervious surface]* Treatment controls shall be designed and sized to treat run-off from the entire redevelopment project (including all existing, new, and/or replaced impervious areas) using flow or volume based sizing criteria specified in Provision C.3.d of the Municipal Regional Stormwater Permit.

Source Control Conditions [Staff must require all applicable source controls for C.3 Regulated Projects]:

- A Trash storage areas (including recycling or food compactor areas or similar areas), wash areas, loading docks, repair/maintenance bays, and equipment or material storage areas shall be completely covered and bermed to ensure that no stormwater enters the covered area. Covered areas shall be sloped so that spills and washwater flow to area drains connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.
- A Interior level parking garage floor drains, and any other interior floor drains, shall be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.
- A Efficient irrigation systems shall be used throughout all landscaped areas in accordance with the Model Water Efficient Landscape Ordinance.

- A On-site storm drain inlets shall be clearly marked with the words "No Dumping! Flows to Bay," or equivalent using thermoplastic material or a plaque.
- A Boiler drain lines, roof top equipment with drain lines, and/or equipment for washing and/or steam cleaning activities shall be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.
- A Projects with architectural copper should, if possible, purchase copper materials that have been pre-patinated at the factory. Whether patination is done offsite or onsite, applicant should consider coating the copper materials with an impervious coating that prevents further corrosion and runoff. If patination is done on-site, implement one or more of the following:
 - Discharge the rinse water to landscaping. Ensure that the rinse water does not flow to the street or storm drain. Block off storm drain inlet if needed.
 - Collect rinse water in a tank and pump to the sanitary sewer. Contact your local sanitary sewer agency before discharging to the sanitary sewer.
 - Collect the rinse water in a tank and haul off-site for proper disposal.

Site Design Conditions [At least one site design measure must be implemented for C.3 Regulated Projects]:

- A Direct roof runoff into cisterns/rain barrels and use rainwater for irrigation or other non-potable use.
- A Direct roof runoff onto vegetated areas. Stormwater treatment of the roof runoff is not required if the vegetated area is designed as a self-retaining area, as described in Section 4.3 of the C.3 Technical Guidance.
- A Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas. Stormwater treatment of the roof runoff is not required if the vegetated area is designed as a self-retaining area, as described in Section 4.3 of the C.3 Technical Guidance.
- A Construct sidewalks, walkways, patios, bike lanes, driveways, and/or uncovered parking lots with permeable surfaces. These include porous pavement (asphalt and concrete), turf block, and permeable joint pavers. Use of permeable surfaces may reduce the size of the required treatment measure by lowering the amount of runoff generated, however, run-off from permeable surfaces will not be exempt from having to receive treatment unless properly designed as "self-treating areas" or "self-retaining areas". Refer to sections 4.2 or 4.3 of the C.3 Tech Guidance, respectively.
- A Minimize land disturbance and impervious surface (especially parking lots).
- A Maximize permeability by clustering development and preserving open space.
- A Use micro-detention, including distributed landscape-based detention.

Green Roofs

- A Green roofs are considered self-treating areas if the green roof planting media is sufficiently deep to provide capacity within the pore space of the media to capture 80 percent of the average annual runoff, and to support the long-term health of the vegetation selected for the green roof, as specified by the landscape architect or other knowledgeable professional.
- A If the green roof system receives runoff from non-vegetated areas of the roof, such as mechanical/HVAC equipment areas or impervious walkways, the depth of the media must be increased to account for the additional runoff.

Treatment Control Conditions

[Refer to the project's completed C.3 and C.6 Development Review Checklist or Stormwater Requirements Checklist to identify the applicable type of treatment control. Conditions of Approval are presented for the following types of treatment controls: Infiltration Measures or Devices, Rainwater Harvesting, Biotreatment Measures, and Special Projects Proposing Non- LID Treatment Measures.]

Infiltration Measures (Bioinfiltration and Infiltration Basins) or Infiltration Devices (Dry Wells and Infiltration Trenches) [Apply the following Conditions of Approval if applicant demonstrated during the Planning Phase that it is feasible to infiltrate 80% of the average annual runoff volume]:

- A In-situ infiltration rate shall be determined or confirmed by means of percolation testing for all infiltration treatment measures and devices.
- A Infiltration devices shall not be used where confirmed seasonal high groundwater is less than 10 feet from the bottom of infiltration measure or device.
- A Infiltration treatment measures or devices shall be designed in accordance with the infiltration guidance in Appendix E of the C3 Technical Guide.

Rainwater Harvesting [Apply the following Conditions of Approval if applicant demonstrated during the Planning Phase that it is feasible for the project to harvest and use 80% of the average annual runoff volume]:

- A Applicant shall submit with the Stormwater Management Plan final harvested water demand calculations for the project. Sources of demand should only be included in the final calculations if they are reliably and consistently present during the wet season.
- A Applicant shall ensure that harvest and re-use systems (number and dimensions of cisterns/rain barrels) are sized to accommodate the treatment volume defined in Provision C.3.d of the MRP while meeting drawdown requirements and harvested water demand.

Biotreatment Measures:

[Apply the following Conditions of Approval ONLY when the applicant has demonstrated that it is infeasible to infiltrate or harvest and use 80% of the average annual runoff volume.]

A Biotreatment measures (including bioretention areas, flow-through planters and non-proprietary tree well filters) shall be sized to treat run-off from 100% of the applicable drainage area (all impervious areas and applicable landscaped areas) using flow or volume based sizing criteria as described in the Provision C.3.d of the MRP, or using the simplified sizing method (4% rule of thumb), described in the C.3 Technical Guidance and based on the flow-based sizing criteria in Provision C.3.d.i.(2)(c). *Alternative biotreatment measure that is not in the C.3 Technical Guidance concept shall be pre-approved by the Planning Department.]*

Special Projects Proposing High Flow-Rate Tree Well Filters and/or High Flow-Rate Media Filters

[High flow-rate tree well filters and high flow-rate media filters may be used ONLY for Special Projects that meet the criteria specified in Provision C.3.e.ii and ONLY for the percentage of stormwater runoff for which the project is allowed to use non-LID treatment as shown on the project's completed Special Projects Worksheet]:

- A Design of non-LID treatment measures shall be consistent with applicable technical guidance in Chapter 6 of the C.3 Technical Guidance.
- A Project documentation for Special Projects proposing to use high flow-rate tree well filters and/or media filters shall include the following information for municipal staff to prepare a narrative discussion of the feasibility or infeasibility of 100% LID treatment:
- Completed C.3 and/or C.6 Development Review Checklist or Stormwater Requirements Checklist, including the section regarding feasibility of infiltration and rainwater harvesting and use.
 - A description of the site drainage, including the site slope, direction of flow, and how the site was divided into drainage management areas that will each drain to a separate stormwater treatment measure.
 - A description of any drainage management areas for which self-treating or self-retaining areas (such as pervious pavement, green roofs or landscaped areas) or LID treatment measures are provided.
 - An explanation of how the routing of drainage has been optimized to route as much drainage as possible to LID features and facilities (if any).

- A description of constraints to providing on-site LID, including a description of portions of the site that are proposed to drain to tree-box type high flow rate biofilters and/or vault-based high flow rate media filters include some areas that are not covered by buildings. This description shall explain why pervious paving is not used for impervious paved areas that are proposed to drain to a non-LID treatment measure, and it shall explain why LID measures cannot be constructed in any proposed landscaped areas within an area that is proposed to drain to a non-LID treatment measure.
- A description of constraints to providing off-site LID, including a statement regarding whether the project applicant owns or otherwise controls land within the same watershed of the project that can accommodate in perpetuity off-site bioretention facilities adequately sized to treat the runoff volume of the primary project.

Operation & Maintenance (O&M) Conditions:

- A Property Owner shall enter into a Maintenance Agreement with the municipality to ensure long-term maintenance and servicing by the Property Owner of stormwater site design and treatment control *[and/or HM]* measures according the approved Maintenance Plan(s). The Maintenance Agreement shall be recorded for the property and/or made part of the CC&Rs.

Installation Conditions:

MRP Non-Regulated Projects (including individual single-family home projects)

Source Control Conditions {Municipal staff shall consider requiring applicable source controls for non-regulated projects.}

- A Trash storage areas (including recycling or food compactor areas or similar areas), wash areas, loading docks, repair/maintenance bays, and equipment or material storage areas shall be completely covered and bermed to ensure that no stormwater enters the covered area. Covered areas shall be sloped to drain to area drains connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.
- A Discharges from indoor/outdoor mat/equipment/hood filter wash racks or covered outdoor wash racks for restaurants shall be plumbed to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.
- A Interior level parking garage floor drains, and any other interior floor drains, shall be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.

- A Efficient irrigation systems shall be used throughout all landscaped areas in accordance with the Model Water Efficient Landscape Ordinance [or comparable local ordinance].
- A On-site storm drain inlets shall be clearly marked with the words "No Dumping! Flows to Bay," or equivalent using thermoplastic material or a plaque.
- A Swimming pools, hot tubs, spas and fountains shall have a connection to the sanitary sewer, subject to the local sanitary sewer agency's authority and standards. This connection could be a drain in the pool to the sanitary sewer or a cleanout located close enough to the pool so that a hose can readily direct the pool discharge into the sanitary sewer cleanout.
- A Fueling areas shall be separated from the rest of the site by a grade break that prevents run-on of stormwater, and covered by a canopy that extends a minimum of 10 feet in each direction from each pump.
- A Boiler drain lines, roof top equipment with drain lines, and/or equipment for washing and/or steam cleaning activities shall be connected to the sanitary sewer system, subject to the local sanitary sewer agency's authority and standards.
- A Projects with architectural copper should, if possible, purchase copper materials that have been pre-patinated at the factory. Whether patination is done offsite or onsite, applicant should consider coating the copper materials with an impervious coating that prevents further corrosion and runoff. If patination is done on-site, implement one or more of the following:
 - o Discharge the rinse water to landscaping. Ensure that the rinse water does not flow to the street or storm drain. Block off storm drain inlet if needed.
 - o Collect rinse water in a tank and pump to the sanitary sewer. Contact your local sanitary sewer agency before discharging to the sanitary sewer.
 - o Collect the rinse water in a tank and haul off-site for proper disposal.

Site Design Conditions [Projects subject to Provision C.3.i must implement N-16; Municipal staff shall consider requiring applicable site design measures for non-regulated projects]:

- A Projects subject to Provision C.3.i (individual single-family home projects that create and/or replace 2,500 square feet or more of impervious surface, and other projects that create and/or replace at least 2,500 square feet of impervious surface but are not C.3 Regulated Projects, shall implement at least one of the six site design measures listed below:

- A Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.
 - A Direct roof runoff onto vegetated areas.
 - A Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.
 - A Minimize land disturbance and impervious surface (especially parking lots).
 - A Maximize permeability by clustering development and preserving open space. Use micro-detention, including distributed landscape-based detention.
 - A Protect sensitive areas, including wetland and riparian areas, and minimize changes to the natural topography.
- B. The following conditions shall be met prior to the issuance of the first building permit (i.e., foundation permit) and/or site development permits except as otherwise specified in the conditions.**

Public Works Permits

- B The property owner/applicant shall apply for and obtain temporary encroachment permits from the Department of Public Works for work in the City public right-of-way, easements or property in which the City holds an interest, including driveway, sidewalk, sewer connections, sewer clean-outs, curb drains, storm drain connections, placement of a debris box.
- B Property owner/applicant shall apply for and obtain a grading permit from the Department of Public Works. The grading permit fee is based on the total amount of earth moved including cut and fill.

Other Agency Permits

- B Construction activity resulting in a land disturbance of one acre or more, or less than one acre but part of a larger development shall obtain the Construction Activities Storm Water General Permit (General Permit) from the State Water Quality Control Board (<http://www.scrwb.ca.gov/stormwtr/construction.html> or (916) 341-5537). The State requires a completed Notice of Intent to comply (NOI) package and a Storm Water Pollution Prevention Plan (SWPPP) prepared in accordance with Section A of the General Permit prior to the commencement of soil disturbing activities. The State will issue a Waste Discharge Identification (WDID) number within 10 business days after it receives a complete NOI package (original signed NOI, vicinity map, and check). Applicant shall also submit copies of the NOI and SWPPP to the City for review and approval. Throughout the project life, the SWPPP shall be revised as necessary to accommodate site changes during to construction.
- B Verify location of utility meters, valves, back flow preventers, and hydrants with appropriate utility company. Show relationship of each to site improvements, such as retaining walls.

Public Improvements

Grading and Drainage

- B The owner/applicant shall submit a grading plan prepared by a California-registered Civil Engineer in accordance with City Grading Ordinance, Chapter 9, Section 3 of the City Code, with a grading permit application, for approval by the Department of Public Works and Building Division prior to any grading or clearing being performed on-site.
- a) The applicant should note that if the proposed grading meets one or more of the criteria outlined in Section 9-23 of the City Code, a Planning Commission review will be required. Caution: If the total grading quantity changes after Planning Commission approval, a new grading approval may be required. The applicant may choose to complete the grading plan and calculations early in the planning process to limit delays in scheduling this review. (See Section 9-28 of City Code for review process). The plan shall incorporate the following restrictions:
 - b) All soils stockpiled on the site during construction shall be covered or otherwise protected from wind and water erosion.
 - c) During construction, erosion and sedimentation control plans shall be implemented in order to retain sediments on-site.
 - d) Site grading and finished construction shall be designed and executed in such a manner as to avoid diverting runoff onto other properties.
 - e) Restrictions and recommendation of the Geologic and Soils report as approved by the City Geologist
- B The owner/applicant shall submit a dust control plan for approval by the Department of Public Works. To reduce dust levels, exposed earth surfaces shall be watered as necessary. The application of water shall be monitored to prevent runoff into the storm drain system. Spillage resulting from hauling operations along or across any public or private property shall be removed immediately. Dust nuisances originating from the contractor's operations, either inside or outside of the right-of-way shall be controlled – the measures shall include:
- a) Water all active construction sites at least twice daily.
 - b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
 - c) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
 - d) Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - e) Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets.

- f) Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (previously graded areas inactive for ten days or more).
 - g) Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiled materials.
 - h) Install sandbags or other erosion-control measures to prevent silt runoff to public roadways.
 - i) Replant vegetation in disturbed areas as quickly as possible.
 - j) Watering should be used to control dust generation during the break-up of pavement.
 - k) Cover all trucks hauling demolition debris from the site.
 - l) Use dust-proof chutes to load debris into trucks whenever feasible.
 - m) Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
 - n) All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be in proper running order prior to operation.
 - o) Diesel powered equipment shall not be left inactive and idling for more than five minutes, and shall comply with applicable BAAQMD rules.
 - p) Use alternative fueled construction equipment, if possible.
 - q) All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - r) Post a visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 24 hours. The Air District phone number shall also be visible to ensure compliance with applicable regulations.
- B The proposed development may add or replace the impervious surface area of the property. The applicant shall provide calculations showing the total impervious area of the completed project with the building permit application. Calculations shall be submitted to the Department of Public Works for review and approval.
- B Storm drainage calculations shall be required for all storm drains and overland flows. Drainage shed maps shall be submitted showing all upstream acreage and run-off coefficients for each tributary area. Overland flow paths and site release points shall be clearly identified. Calculations shall be submitted to the Department of Public Works for review and approval.
- B A written report prepared by a Geotechnical Engineer shall be submitted in accordance with Section 9-36 of the City Code.

Utilities

- B Applicant must possess a valid sewer lateral certificate issued under City Ordinance Section 21-213 before receiving a final building permit for:

- (a) Improvements valued by the building official at \$200,000 or more, or
 - (b) Work associated with a change in water service (e.g. change in meter size or adding a second meter).
- B Applicant shall install the sanitary sewer connection in accordance with Department of Public Works approved standards and pay the applicable sewer connection fee.
- B Sanitary sewer to include a back flow prevention device.
- B If PG&E is requiring the developer to put in the gas and/or electrical connection, then the developer must submit plans for the encroachment to the Department to Public Works.

Subdivisions

- B The subdivision agreement shall provide for payment of all grading permit fees and inspection charges including the reviews by the City's Consultant Geologist in accordance with the City's Grading Ordinance.
- B The subdivision agreement shall provide for payment of all City inspection and plan check charges associated with the installation of public and private improvements including, but not limited to, streets, sanitary sewers, storm drains and street lights. A cash deposit shall be made in accordance with the fee schedule, against which the City will assess its costs. A refund or additional charge will be made at the conclusion of construction.
- B All utilities to each lot including, but not limited to, electric power, telephone, cable television, and street lights, shall be provided underground.
- B The owner/applicant shall provide a street light plan for subdivision streets that includes an evaluation of the need for the construction of additional street lighting on all adjacent streets.
- B Storm drainage, sanitary sewer, and emergency vehicle access easements shall be provided to the City as necessary.
- B The developer shall provide documentation from Mid-Peninsula Water District, PG&E, Pacific Bell, and AT&T Broadband cable TV that these utilities will provide service to the subdivision.
- B The developer shall post maintenance bonds for all improvements to be dedicated to the City for a period of one year after the date of acceptance by the City.
- B The owner/applicant shall provide field survey data to permit retracing all survey monuments set to establish the street right-of-way both public and private. A copy of the final subdivision map including property liens, final contours, street improvements, parking, sewer and storm drains shall be provided using AutoCad drawing files (scale 1"=2').
- B The owner/applicant shall provide a traffic control plan for all construction staging and storage areas.
- B The owner/applicant shall conduct a signalization study to analyze improvements to existing traffic signal(s) or addition of new traffic signals needed to mitigate additional traffic from the proposed development.

- B The owner/applicant shall conduct a traffic study to analyze improvements to the existing traffic conditions need to mitigate additional traffic from the proposed development.
- B The owner/applicant shall analyze the existing storm drain system from the property boundary to the outfall. On-site drainage facilities such as catch basins and storm drain pipes shall be designed to collect runoff from a storm of 10-year return frequency. Should any deficiency in this system be found that would be affected by increased runoff from the project site, the owner/applicant shall improve the downstream system or contribute a proportionate share of the cost for improvements as determined by the Public Works Department.
- B The owner/applicant shall analyze the existing sewer system from the property boundary to the nearest pump station or main trunk line to determine its capacity to handle increased seer flows from this development. Should any deficiency in this system be found, the owner/applicant shall improve the downstream system or contribute a proportionate share of the cost for improvements as determined by the Public Works Department.
- B The owner/applicant shall provide an evaluation of the need for the construction of additional street lighting on all streets fronting the property.
- B Applicant shall provide receptacles for recycling. Containers shall segregate glass, plastic and aluminum containers and paper. Property manager shall ensure these materials are recycled, by adding these materials to the regular recycle stream for on-site pick up by BFI or by returning them for redemption.
- B The owner/applicant shall provide a plan showing all the site improvements and utility trench locations. The plan shall indicate the location of all the protected trees and protection fences on site. No utility trench shall encroach within the protection fence areas.
- B Location of monument signs must be determined by a licensed engineer who will certify that line of sight will not be blocked and there is sufficient sight distance at the intersection. Engineer shall provide analysis to the city for review.

NPDES Stormwater Controls (General)

- B The applicant shall submit an erosion and sedimentation control plan describing Best Management Practices (BMPs) to be used to prevent soil, dirt, and debris from entering the storm drain system. The plan shall include the following items:
 - a) A site plan showing the property lines, existing and proposed topography, and slopes; areas to be disturbed, locations of cut/fill and soil storage/disposal area; areas with existing vegetation to be protected; existing and proposed drainage patterns and structures; watercourses or sensitive areas on-site or immediately downstream of project; and designated construction access routes, staging areas and washout areas.
 - b) Erosion and sediment controls to be used during construction, selected as appropriate from the California Regional Water Quality Control Board, San Francisco Bay Region Erosion & Control, P.O. Box 791, Oakland, CA 94604-0791.

- c) Methods and procedures to stabilize denuded areas and install and maintain temporary erosion and sediment control continuously until permanent erosion controls have been established.
 - d) Provision for preventing erosion and trapping sediment on-site, such as sediment basins or traps, earthen dikes or berms, fiber rolls, silt fence, check dams, storm drain inlet protection, soil blankets or mats, covers for soil stock piles and/or other measures.
 - e) Provisions for installing vegetative cover in disturbed areas, including areas to be seeded, planted, and/or mulched, and types of vegetation proposed.
 - f) Provision for diverting on-site runoff around exposed areas and diverting off-site runoff around the project site (e.g., swales and dikes).
 - g) Notes, specifications, and/or attachments describing the construction, operation and maintenance of erosion and sediment control measures, including inspection frequency; methods and schedule for grading, excavation, filling clearing of vegetation and storage and disposal of excavated or cleared material; types of vegetative cover and mulch, including methods and schedules for planting and fertilization; and provisions for temporary and permanent irrigation.
- B All plans shall conform to the requirements of the City NPDES stormwater discharge permit and the San Mateo Stormwater Pollution Prevention Plan (STOPPP). The project plans shall include permanent storm water quality protection measures. The project plans shall identify Best Management Practices (BMPs) appropriate to the uses to be conducted on-site to effectively prohibit the discharge of pollutants with storm water run-off. A Maintenance and Operation Agreement shall be prepared by applicant incorporating the conditions of this section.
- B The developer shall provide to the first residents/occupants /tenants practical information materials (as furnished by the City) on good housekeeping for hazardous products, proper use and disposal of hazardous products, and prohibited discharge practices.
- B All landscaping shall be maintained and shall be designed with efficient irrigation systems to reduce runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.
- B The property owner/association shall implement a trash management and litter control program including emptying trash receptacles in common areas, noting trash disposal violations by homeowners or business, and notifying violators.
- B Streets and parking lots must be swept immediately prior to and once during the storm season. Records of street cleaning shall be reported to the Department of Public Works on an annual basis on or before June 30 of each year.
- B No wastewater (including equipment cleaning wash water, vehicle wash water, cooling water, air conditioner condensate, and floor cleaning washwater) shall be discharged to the storm drain system, the street or gutter.

MRP Regulated Project:

- B Applicant shall prepare a Stormwater Management Plan (SWMP) that includes, at a minimum, exhibit(s) showing drainage areas and location of Low Impact Development (LID) treatment measures; project watershed; total project site area and total area of land disturbed; total new and/or replaced impervious area; treatment measures and hydraulic sizing calculations; a listing of source control and site design measures to be implemented at the site; hydromodification management measures and calculations, if applicable; NRCS soil type; saturated hydraulic conductivity rate(s) at relevant locations or hydrologic soil type (A, B, C or D) and source of information; elevation of high seasonal groundwater table; a brief summary of how the project is complying with Provision C.3 of the MRP; and detailed Maintenance Plans for each site design, source control and treatment measure requiring maintenance.
- B LID treatment measures to be shown on final improvement or grading plans shall not differ materially from the LID treatment measures presented on the project's Tentative Map without written approval from the Planning Department.

Source Control Conditions [Staff must require all applicable source controls or C3 Regulated Projects]:

- B Project shall incorporate landscaping that minimizes irrigation and runoff, promotes surface infiltration, minimizes the use of pesticides and fertilizers, and incorporates other appropriate sustainable landscaping practices such as Bay-Friendly Landscaping.
- B Roof drains shall drain away from the building and be directed to landscaping or a stormwater treatment measure.

Site Design Conditions [At least one site design measure must be implemented for C3 Regulated Projects]:

- B Self-treating areas must be designed to store and infiltrate the rainfall that lands on the self-treating area. Refer to Section 4.2 of the C.3 Technical Guidance.
- B Self-retaining areas must be designed to store and infiltrate the rainfall run-off volume described in the MRP Provision C.3.d (80% capture volume), for rainfall that lands on the self-retaining area and the impervious surface that drains to the self-retaining area. Refer to Section 4.3 of the C.3 Technical Guidance.
- B Plant or preserve interceptor trees (Section 4.1, C.3 Technical Guidance).

Treatment Control Conditions

[Refer to the project's completed C.3 and C.6 Development Review Checklist or Stormwater Requirements Checklist to identify the applicable type of treatment control. Conditions of Approval are presented for the following types of treatment controls: Infiltration Measures or Devices, Rainwater Harvesting, Biotreatment Measures, and Special Projects Proposing Non- LID Treatment Measures.]

- B No treatment measures (other than properly sealed and screened cisterns or rain barrels) shall have standing water more than 5 days, for vector control.

Infiltration Measures (Bio-infiltration and Infiltration Basins) or Infiltration Devices (Dry Wells and Infiltration Trenches) [Apply the following Conditions of Approval if applicant demonstrated during the Planning Phase that it is feasible to infiltrate 80% of the average annual runoff volume]:

- B All infiltration devices shall be located and designed to ensure no damage will occur to surrounding improvements from underground water.
- B Soil media within the bio-infiltration measure shall consist of 18 inches of biotreatment soil consistent with the Attachment L of the MRP.
- B Other parameters of final design shall be consistent with the design guidelines presented in the latest version of the C.3 Technical Guidance.

Rainwater Harvesting {Apply the following Conditions of Approval if applicant demonstrated during the Planning Phase that it is feasible for the project to harvest and use 80% of the average annual runoff volume]:

- B Cistern or rain barrel(s) shall be sealed and/or have appropriate screens to prevent entry by mosquitoes.
- B Other parameters of final design shall be consistent with the design guidelines presented in the latest version of the C.3 Technical Guidance.

Biotreatment Measures:

[Apply the following Conditions of Approval ONLY when the applicant has demonstrated that it is infeasible to infiltrate or harvest and use 80% of the average annual runoff volume.

- B Plant species used within the biotreatment measure area shall be consistent with Appendix A of the C.3 Technical Guidance.
- B Biotreatment soil mix for biotreatment measures shall have a minimum percolation rate of 5 inches per hour and a maximum percolation rate of 10 inches per hour, and shall be in conformance with Attachment L of the MRP, which is included in Appendix K of the C.3 Technical Guidance.
- B Design of biotreatment measures shall be consistent with technical guidance for the applicable type of biotreatment measure provided in Chapter 6 of the C.3 Technical Guidance.

Special Projects Proposing High Flow-Rate Tree Well Filters and/or High Flow-Rate Media Filters

[High flow-rate tree well filters and high flow-rate media filters may be used ONLY for Special Projects that meet the criteria specified in Provision C.3.e.ii and ONLY for the percentage of stormwater runoff for which the project is allowed to use non-LID treatment as shown on the project's completed Special Projects Worksheet]:

- B High flow-rate tree well filter products and/or high flow-rate media filter products shall be certified by the Technical Assessment Protocol Ecology (TAPE) of the Washington State Department of Ecology as meeting the TAPE protocol General Use Level Designation for Basic Treatment.
 - For TAPE program information and use level designation statements see:<http://www.ecy.wa.gov/programs/wg/stormwater/newtech/basic.Html>

- B Hydraulic sizing of high flow-rate tree well filters and/or high flow-rate media filters shall meet the hydraulic sizing criteria identified in Provision C.3.d and shall also be sized in accordance with the flow rate that was certified by the Washington State Department of Ecology Technical Assessment Protocol Ecology (TAPE) protocol General Use Level Designation for Basic Treatment.

- B Applicant shall clearly demonstrate, using Manufacturer's cut sheet or equivalent informational material and calculations, that non-LID treatment measures used are adequate for the area requiring treatment.

Hydromodification Management (HM) Conditions: [Apply the following Conditions of Approval only to projects that create or replace 1 acre or more of impervious area, increase the impervious surface area over pre-project conditions, and are located within the HM Control Area.

- B Flow control structures may be designed to continuously discharge stormwater at the very low flow rate Q_{cp} , where Q_{cp} is 10% of the pre-project 2-year flow.

- B Hydromodification (HM) Controls shall be designed using the Bay Area Hydrology Model (BAHM), unless the applicant uses an alternative continuous simulation hydrologic computer model as described in Attachment E of the MRP. Site-specific data shall be used with BAHM (www.Bayareahydrologymodel.org) or alternate continuous simulation hydrologic computer model.

Operation & Maintenance (O&M) Conditions:

- B A Maintenance Plan for every stormwater treatment control *[and/or HM]* measure or applicable site design measure, inclusive of maintenance and inspection checklists and Maintenance Inspection Report Forms, shall be submitted to the City for review and approval prior to issuance of a grading permit. A copy of the final, approved Maintenance Plan(s) shall be made a part of the Maintenance Agreement [and the Conditions, Covenants and Restrictions (CC&Rs)] recorded for the property. A copy of the final, approved Maintenance Plan(s) shall also be on file at the municipality's Public Services Department.